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Tiffany A. Harris, OSB #023187
 333 SW Taylor St., Ste. 300
 Portland, OR 97204
 503-782-4788
Tiff@HarrisDefense.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

JASON PAUL SCHAEFER,)	
)	No. 3:18-cv-01145-SI
Plaintiff)	
)	DECLARATION OF TIFFANY A.
vs.)	HARRIS IN SUPPORT OF MOTION FOR
)	EXTENSION OF TIME TO COMPLETE
TIM TRASK, <i>et al.</i> ,)	DISCOVERY
)	
Defendants.)	

Of Attorneys for Mr. Jason Paul Schaefer

I, Tiffany A. Harris, declare the following to be true to the best of my knowledge:

1. I, along with Lisa J. Ludwig and Laney B. Ellisor, am appointed as defense counsel for Jason Paul Schaefer ("Mr. Schaefer") in his federal criminal case, 3:17-cr-00400-HZ. If convicted, Mr. Schaefer faces a mandatory minimum prison sentence of 30 years under 18 U.S.C. § 924(c)(1)(B)(ii) for allegedly using and carrying a destructive device in relation to a crime of violence—specifically, assaulting a federal officer.
2. Mr. Schaefer is also charged criminally in Columbia County Circuit Court (in case no. 19-cr-05454) for an alleged attempted assault on a corrections deputy, in December of 2018, during his pretrial detention on federal criminal case 3:17-cr-0400-HZ.
3. Mr. Schaefer's pending civil matter involves civil rights claims against corrections staff at the Columbia County Jail, in the same jurisdiction that is prosecuting him criminally. He is currently scheduled to be deposed on Friday, March 22.

4. Mr. Schaefer is not represented by counsel in the pending civil matter. We do not believe Mr. Schaefer has had any contact with his appointed defense counsel in the Columbia County criminal case because he is currently housed at Seatac, FDC for observation and psychological evaluation in connection with the Government's December 9, 2018 Motion for Competency Evaluation (Docket no. 111).
5. As appointed counsel in the federal criminal case, we are concerned that proceeding with the deposition in the civil case, as scheduled, will subject Mr. Schaefer to a substantial risk of self-incrimination.
6. We recently learned of the deposition last week and have communicated our concerns to Rick Freud, counsel for the named defendants in the pending civil matter.
7. Mr. Freud indicates that he would agree to postpone the scheduled deposition for up to 30 days, if the discovery deadlines were extended.
8. A 30-day extension of the discovery deadlines would allow criminal defense counsel to discharge our duty to provide Mr. Schaefer with written advice concerning the risks of being deposed during his ongoing criminal cases and would give Mr. Schaefer sufficient time to consider that advice.
9. The 30-day extension would also allow Mr. Schaefer to obtain postage, comply with notice and conferral requirements, and renew his motion for appointment of counsel in the pending civil case (our understanding from Mr., Freud is that this motion is unopposed) and any other motions that were denied for failure to provide notice.
10. Additionally, Mr. Freud indicates that the U.S. Marshal recently advised that Mr. Schaefer's location could change imminently, without prior notice, on or near the day of the scheduled deposition. Thus, a postponement of discovery deadlines would allow the deposition to occur without last-minute logistical problems and inconvenience to civil defense counsel and criminal defense counsel, if it becomes necessary for them to appear at the deposition to assert Mr. Schaefer's right against self-incrimination.
11. Lastly, there are important pre-trial matters pending in Mr. Schaefer's federal criminal case (See Docket no. 111), the determination of which are fundamental to the case and may bear on the important Fifth Amendment concerns we raise here. Those matters are expected to be resolved within the next 30 days.

12. As discussed, I have communicated with Mr. Freud, who does not oppose the attached motion for an extension of the discovery deadline.
13. Yesterday, criminal defense counsel spoke briefly with Mr. Schaefer by telephone and informed him of the plan to seek a short postponement of the deposition and discovery deadlines. Mr. Schaefer consented to the postponement.

I declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

RESPECTFULLY SUBMITTED this 20th day of March 2019.

/s/ Tiffany Harris

Tiffany A. Harris, OSB #023187
Of Attorneys for Mr. Jason Paul Schaefer
in criminal case no. 3:17-cr-00400-HZ